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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/087,500	03/01/2002	Jeffrey W. Ronne	GP-301390	3019

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EXAMINER

ROSENBERG, LAURA B

ART UNIT	PAPER NUMBER
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3616

DATE MAILED: 12/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/087,500		RONNE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Laura B Rosenberg		3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 October 2003.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5 and 7-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

1. This office action is in response to the amendment filed on October 16, 2003, in which claim 6 was canceled.

#### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-5 and 7-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over LeVey et al. (6,540,251) in view of Tajima et al. (6,485,048). In regards to claims 1, 7, and 10, LeVey et al. disclose a snap-in roof rail air bag assembly for a vehicle having a roof rail (#20) adapted for snap-in installation in the roof rail from outside the vehicle (column 2, lines 50-54) comprising an air bag module including an air bag (not shown) with at least one cushion retention tab (#10), a snap in clip (#50, 60) permanently attachable to the roof rail and selectively attachable to the at least one cushion retention tab (figures 1, 2), and a removable serviceability attachment feature (#30, 40) for attaching the air bag module at the at least one cushion retention tab (#10) to the snap-in clip and for selectively detaching the air bag module from the snap-in clip (best seen in figure 1), the removable serviceability attachment feature able to be used for removal of the air bag module for service. LeVey et al. do not disclose that the air bag module includes an air bag inflator. Tajima et al. teach a roof rail air bag assembly

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for a vehicle having a roof rail (#RR) comprising an air bag module (#M1-M4) including an air bag inflator (#31) and an air bag (#23, 23A, 23B). It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag module of LeVey et al. such that it comprised an air bag inflator as claimed in view of the teachings of Tajima et al. so as to inflate the air bag. Further, it is well known in the art that roof rail side air bag modules of this type include at least one air bag inflator. The method of claim 7 reads on the apparatus described above.

In regards to claims 2, 8, 9, and 11, LeVey et al. do not disclose features of an air bag inflator. Tajima et al. teach an inflator bracket (#33) having an inflator support portion (#33a) supporting the air bag inflator (#32) and an attachment portion (#33c) having a mounting tab for receiving a bolt (#35; location of bolt similar to location of LeVey's serviceability attachment feature) and for capturing at least one cushion retention tab (#26, 28) between the inflator bracket (#33) and a clip (#37; location of clip similar to location of LeVey's snap-in clip) prior to attaching the clip to the cushion retention tab (column 18, lines 23-51). It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag assembly of LeVey et al. such that it comprised an air bag inflator bracket having a support portion and an attachment portion as claimed in view of the teachings of Tajima et al. so as to properly secure an inflator to the roof rail of a vehicle (Tajima et al.: column 6, lines 47-49).

In regards to claims 3 and 4, LeVey et al. do not disclose an air bag cover. Tajima et al. teach an air bag cover (#27) protectingly covering the air bag and having a tear seam along one edge (any portion of the cover #27 can become a tear seam;

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column 9, lines 17-19), the cushion retention tab (#26, 28) extending through the air bag cover (bottom portion of #26; can be seen in figure 20) for at least partially supporting the air bag and the air bag cover. It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag assembly of LeVey et al. such that it comprised an air bag cover as claimed in view of the teachings of Tajima et al. so as to support the air bag in its folded state until inflation occurs (Tajima et al.: column 17, lines 49-53).

In regards to claim 5, LeVey et al. do not disclose features of an inflator bracket. Tajima et al. teach the mounting tab (#33c) of the inflator bracket (#33) being attached to the clip (#37) with the bolt (#35). It would have been obvious to one skilled in the art at the time that the invention was made to modify the air bag assembly of LeVey et al. such that it comprised an inflator bracket mounting tab attached to the snap-in clip with the serviceability attachment feature as claimed in view of the teachings of Tajima et al. so as to detachably secure the inflator to the roof rail (column 6, line 65-column 7, line 4).

### ***Response to Arguments***

4. Applicant's arguments filed October 16, 2003 have been fully considered but they are not persuasive.

Regarding arguments on pages 5-6, the term "clip", as defined by Webster, is "any of various devices that grip, clasp, or hook", and thus is taught by LeVey et al.'s spring washer and engagement member (#50. 60). Further, LeVey et al.'s "snap-in clip"

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is indeed "permanently attachable" to the roof rail (#20) once the bolt member has been moved from the larger opening of the keyhole (#25) to the smaller opening of the keyhole (#23), the flange on one end (near #51) engages with the roof rail (#20,) and the engagement member on the other end (#60) engages with the other end of the roof rail. As for the "snap-in" feature itself, if the applicant is limiting the clip to only those clips that make a "snapping" sound upon engagement, then the applicant has not persuaded the examiner that LeVey et al.'s clip does not make this sound upon engagement. Further, this "snapping" sound is not recited in the rejected claims.

Regarding arguments on pages 6-7, once LeVey et al.'s clip (#50, 60) is engaged with the roof rail (#20), the clip and bolt are "permanently attachable" with the roof rail. The nut (#40) can be attached or removed, allowing the cushion retention tab (#10) and the air bag (not shown) to be selectively attached to, or removed from, the clip and the roof rail, thus allowing the air bag module to be removed for service.

Regarding arguments on page 7, a "cushion retention tab" is simply a tab that retains a cushion. Therefore, LeVey et al.'s airbag retainer (#10) is indeed a "cushion retention tab" because it is a "tab" that retains an airbag (or cushion). The fact that LeVey et al. chose not to show the air bag itself in the drawings has no bearing on the credibility of LeVey et al.'s invention, which is a side air bag retention system and fastener. Whether or not LeVey et al.'s retainer is "integrally attached to the air bag" as disclosed in the applicant's Summary of the Invention, has no bearing on the claimed subject matter at hand because this feature has not been recited in the rejection claims. Further, to make something integral is old and well known in the art.

Regarding arguments on pages 7-8, it is old and well known in the art (as pointed out by the examiner in the initial office action) to include an air bag inflator within an air bag module. In fact, it is a necessary feature, given that some device is needed to inflate the air bag. Further, Tajima et al.'s air bag inflator would fit harmoniously with LeVey et al.'s air bag to form an air bag module, as is best seen in figure 14 of the Tajima et al. reference and as pointed out in the examiner's final rejection and in the original office action.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura B Rosenberg whose telephone number is (703) 305-3135. The examiner can normally be reached on Monday-Friday 7:00am-3:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (703) 308-2089. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9326.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

*Laura B. Rosenley*

LBR

*Paul N. Dickson* 12/29/03  
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